

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

INNOVATION SCIENCES, LLC, Plaintiff, v. AMAZON.COM, INC., ET AL., Defendants.	Civil Action No.4:18-cv-00474-ALM <i>Consolidated Lead Case</i>
INNOVATION SCIENCES, LLC, Plaintiff, v. RESIDEO TECHNOLOGIES, INC., Defendant.	Civil Action No.4:18-cv-00475-ALM <i>Member Case</i>
INNOVATION SCIENCES, LLC, Plaintiff, v. HTC CORPORATION, Defendant.	Civil Action No.4:18-cv-00476-ALM <i>Member Case</i>
INNOVATION SCIENCES, LLC, Plaintiff, v. VECTOR SECURITY, INC., Defendant.	Civil Action No.4:18-cv-00477-ALM <i>Member Case</i>

**INNOVATION’S MOTION TO STRIKE DEFENDANTS RESIDEO AND HTC’S
NOTICE OF JOINDER IN VECTOR’S MOTION TO COMPEL**

On December 30, 2019, Defendants HTC Corporation (“HTC”) and Resideo Technologies, Inc. (“Resideo”) filed a joint Notice of Joinder (Dkt. 347) in Vector Security, Inc.’s (“Vector’s”) motion to compel financial documents from Plaintiff, Innovation Sciences, LLC (“Innovation”). Innovation does not oppose either parties’ effort to join in the motion previously filed by Vector (Dkt. 245), but Innovation does object to the submission of new argument (3 pages of it) and 80 pages of new exhibits. The briefing on Vector’s motion ended in October 2019 – over three months

ago. The submission of an additional brief accompanied by new exhibits goes well beyond mere joinder and represents a separate motion to compel.

This has become too much a common practice in this action, with HTC or other defendants lying in wait while a first motion on an issue is presented and briefed, followed by a separate briefing where the first motion appears weak. HTC did so in connection with briefing on the motion to transfer, filing its opening motion after Innovation had briefed its position in response to the motions filed by Defendants Amazon.com, Inc., Resideo, and Vector. Similarly, HTC advertised that it intended to do so again after this Court ruled on Vector's motion to dismiss based on an alleged lack of standing (and still threatens to file that motion). Here, HTC is attempting to do so again, waiting until after the issue has been fully briefed by Innovation and Vector, and then deciding to join in the dispute. This time, however, HTC (joined by Resideo) goes even further and presents additional briefing under the guise of merely joining in Vector's existing motion.

If HTC (and Resideo) wanted to move to compel the documents sought by Vector's motion, they should have done so at the time that motion was being briefed, or at the very least contemporaneously submitting their own motion(s). That way, the briefing on the motion could have been consolidated, with Innovation filing one brief addressing each of the defendants' arguments. If this motion to strike the supplemental briefing submitted by Defendants HTC and Resideo is not struck, Innovation will be forced to seek leave to respond to the new arguments presented. This is not an efficient way to proceed. Ironically, with the supplemental briefing, it should be clear that those returns have been produced and Defendants' misuse of their content demonstrates why the production of such documents is the exception, not the norm.¹

¹ The rights to the asserted patents have been licensed but not been sold and a cryptic notation in a tax filing does not serve to establish otherwise.

Innovation requests that the Court strike HTC and Resideo's Notice of Joinder (Dkt. 347) because it improperly contains new arguments and new exhibits. In the alternative, Innovation requests permission to file a limited brief to respond to the arguments presented by HTC and Resideo in their "joinder" notice.

Dated: January 14, 2020

Respectfully submitted,

/s/ Donald L. Jackson

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CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with counsel of record for Defendants on January 13, 2020 and that Defendants' counsel represented Defendants oppose this motion.

DATED: January 14, 2020

/s/ Donald L. Jackson

Donald L. Jackson

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

DATED: January 14, 2020

/s/ Donald L. Jackson
Donald L. Jackson